

Special Election to fill the 48th Congressional Vacancy

Why are we having the Special Election?

Congressman Christopher Cox is now the Chairman of the Securities and Exchange Commission (SEC). He vacated his seat in Congress on Tuesday, August 2, 2005.

California Elections Code 10700 – 10706 sets forth the law regarding filling Congressional Vacancies.

When is the Election? Who calls the Special Election and how?

The Governor's Proclamation, issued Monday, August 15, declared that the General Election to fill the 48th Congressional vacancy will be Tuesday, December 6, 2005. The Primary Election will be Tuesday, October 4, 2005.

The Governor calls all statewide special elections by issuing a proclamation. In the case of a vacancy in a congressional or legislative office the Governor must issue a proclamation, within 14 calendar days of the occurrence of the vacancy.

A copy of the proclamation is sent to the board of supervisors of Orange County since this is specific info for the 48th CD perhaps we can just indicate our County.

When must the Special Election be conducted?

A special election to fill a vacancy in Congress must be conducted on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor. This would be the date of the general election. Note: The timing for the special election does not allow for consolidation with the Special Statewide election on November 8, 2005.

Is there a Primary Election to fill the vacancy?

A special primary election must be held in the district in which the vacancy occurred on the eighth Tuesday or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled.

What cities/general area does the 48th Congressional District encompass? Will I be voting for this seat?

The 48th Congressional District is located entirely within the boundaries of Orange County.

Cities that lie wholly in the district are: Aliso Viejo, Dana Point, Irvine, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest and Tustin.

Cities that lie in part in the district are: Newport Beach, San Juan Capistrano and Santa Ana.

There are also various unincorporated areas that lie within the district.

What are the qualifications to be a candidate?

A candidate must be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected. There is no durational residency requirement for congressional candidates. (U.S. Const. art. I, sec. 2)

How is a Candidate Nominated?

Candidates began filing on Monday, August 15. They have until 5:00 pm on Wednesday, August 17th to turn in their signatures in lieu of paying the filing fee. The filing fee is \$1,621. The deadline for candidate filing is August 22nd.

When may absentee ballots be requested for the Primary Election?

The absentee request period is from September 9 to September 27th.

Applications for absent voter ballots may be submitted not more than 25 days before the primary election. Applications received by the elections official prior to the 25th day will not be returned to the sender, but will be held by the elections official and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.

When is the Final Close of Registration?

The final day to register to vote in the Special Election to fill the vacancy in the 48th Congressional District is September 19th.

How are candidates listed on the ballot? Can you win the whole contest in the Primary?

All candidates shall be listed on one ballot and if any candidate receives a majority of all votes cast, he or she shall be declared elected, and no special general election shall be held. Note: Candidates are placed on the ballot in the random order determined by the Secretary of State. The order will be provided on the next business day after the filing period.

If only one candidate qualifies to have his or her name printed on the special general election ballot, that candidate shall be declared elected, and no special general election shall be held, even if that candidate received less than a majority of the votes cast.

What if no candidate wins the contest in the Primary?

If no candidate receives a majority of votes cast, the name of that candidate of each qualified political party who receives the most votes cast for all candidates of that party would be placed on the special general election ballot as the candidate of that party. The name of a write-in candidate shall not be placed on the ballot unless he or she also meets the requirements of subdivision (a) of Section 8605 of the Elections Code.

In addition to the candidates referred to above, each candidate who has qualified for the ballot by reason of the independent nomination procedure pursuant to Part 2 (commencing with Section 8300) of Division 8 of the Elections Code will be placed on the special general election ballot as an independent candidate. However, if two or more of these candidates are recorded on their

affidavits of registration as being affiliated with the same political body, only the candidate with the greatest number of votes shall be placed on the special general election ballot.